IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 23022 of 2007(N)

PETITIONER:

G.PRADEEP, DIRECTOR,
AERANAT ENGINEERING CO.(P) LTD.,
RAMANKULANGARA, KOLLAM-3.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REP. BY SECRETARY, OFFICE OF THE KERALA STATE
ELECTRICITY BOARD, TRIVANDRUM.

2. THE EXECUTIVE ENGINEER,
ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
KOLLAM.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KERALA STATE ELECTRICITY BOARD,
SAKTHIKULANGARA, KOLLAM.

BY ADV. SHRI.P.P.THAJUDEEN, SC. KSEB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 23022 of 2007

Dated, this the 7th day of August, 2007

J U D G M E N T

The prayer in the writ petition is for a direction to shift the transformer from petitioner's property. The learned Standing Counsel for the KSEB submitted that the transformer was installed at the request of the petitioner and later with his consent connections were given to 17 other consumers. The petitioner who was the exclusive beneficiary of the transformer got his liability reduced when supply was given to other consumers from the same transformer installed for petitioner's industry. According to the petitioner, his industry is closed and petitioner has sold the property, and therefore transformer has to be shifted from his property. Obviously, consumers enjoying power connection from the transformer cannot be deprived of the supply. However, if shifting is possible to the road purambokku, it should be done. Even if there is no sufficient width in the roadside, the transformer necessarily has to be in petitioner's property, but it should be shifted to the extreme boundary of his property to reduce the inconvenience to the minimum. Since the District Collector or ADM

is entitled to order shifting based on application under Sec.17 of the Indian Telegraph Act, petitioner is free to make an application to the District Collector for shifting of transformer. If such application is filed, District Collector or ADM after conducting an enquiry and site inspection of the locality, will order shifting of the transformer reducing the inconvenience to the petitioner, within a period of one month from the date of submission of the application for shifting. Petitioner can suggest the suitable place, which will be considered by the District Collector or the ADM as the case may be.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg